

ENDORSEMENT

CASAS, BENJAMIN & WHITE, LLC v. THE POINTE GROUP, INC., a Massachusetts Corporation d/b/a The Pointe Group Healthcare and Senior Living; GERALD S. FREID; BARRY FREID; and KEY CORPORATE CAPITAL, INC.
04-CV-12333-MEL

LASKER, D.J.

Casas, Benjamin and White, LLC ("CBW") moves for a preliminary injunction, an immediate accounting, and an attachment of real estate owned by The Pointe Group, Inc., Gerald S. Fried, and Barry Fried.

Due to numerous outstanding factual questions, CBW fails to show a reasonable likelihood of success on the merits. The motion is therefore DENIED without prejudice.

The Court is, however, prepared to order early depositions of anyone CBW would like to depose, and is prepared to consider another motion for preliminary relief should the disputed factual issues be clarified.

Accordingly, the plaintiff's motion for a preliminary injunction, an immediate accounting, and an attachment of real estate is DENIED without prejudice.

It is so ordered.

Dated: January 19, 2005
Boston, Massachusetts /s/ Morris E. Lasker
U.S.D.J.